

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE: AQUEOUS FILM-FORMING FOAMS) Master Docket No.:
PRODUCTS LIABILITY LITIGATION) 2:18-mn-2873-RMG

CITY OF CAMDEN, et al.,)	Civil Action No.:
)	2:23-cv-03230-RMG
<i>Plaintiffs,</i>)	
)	
-vs-)	
)	
E.I. DU PONT DE NEMOURS & COMPANY (n/k/a)	
EIDP, INC.), et al.,)	
)	
<i>Defendant.</i>)	

**MOTION FOR EXTENSION OF TIME FOR THE SOVEREIGNS TO RESPOND TO
CERTAIN PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF THE CLASS
ACTION SETTLEMENT BETWEEN PUBLIC WATER SYSTEMS AND THE DUPONT
DEFENDANTS**

Pursuant to Local Rules 6.01 and 7.02 and Your Honor's Special Instructions, the states of California, Colorado, Hawaii, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New Hampshire, New York, North Carolina, Oregon, Rhode Island, Tennessee, Texas, Vermont, and Wisconsin as well as the District of Columbia and Puerto Rico (collectively, "Sovereigns")^{1 2}, by and through their undersigned attorneys, hereby move for an Order to enlarge the deadline to respond to certain Plaintiffs'³ Motion for Preliminary Approval of the Class Action

¹ To avoid unnecessary repetition, Movants incorporate by reference arguments presented in Motion for Extension of Time for the States to Respond to Certain Plaintiffs' Motion for Preliminary Approval of the Class Action Settlement Between Public Water Systems and 3M Company (ECF No. 3405).

² Movants herein also include state and sovereign agencies.

³ Those Plaintiffs are: City of Camden, City of Brockton, City of Sioux Falls, California Water Service Company, City of Del Ray Beach, Coraopolis Water & Sewer Authority and Dalton Farms Water System, City of South Shore, City of Freeport, Martinsburg Municipal Authority, Seaman

Settlement Agreement Between Public Water Systems and The Chemours Company, The Chemours Company FC, LLC, DuPont de Nemours, Inc., Corteva, Inc., and E.I. DuPont de Nemours and Company n/k/a EIDP, Inc. (ECF Nos. 3392, 3393-2) (the “DuPont Settlement” or the “DuPont Settlement Agreement”) by fourteen (14) days, from Monday July 24, 2023 to Monday August 7, 2023. This is the Sovereigns’ first request to enlarge the deadline, is consistent with the relief sought in connection with preliminary approval of the 3M settlement that the Court recently partially granted (ECF No. 3408), and will not impact any other deadlines before this Court. The Sovereigns independently and through the Sovereign Committee attempted to confer with putative Class Counsel, who have not yet been able to take a position on the timing of this request given ongoing discussions with the DuPont entities as of the time of filing. This request is for good cause and not for purposes of delay, as explained more fully below.

The Sovereigns are currently meeting and conferring with putative Class Counsel, 3M, and the MDL Sovereign Committee to address the concerns outlined in ECF No. 3405 and the related joinders. While some of the same questions, concerns, and ambiguities are present in the DuPont Settlement Agreement that Sovereigns are presently addressing in the 3M Settlement Agreement, additional concerns are present here that require separate discussion, including but not limited to the request for an injunction imposed on class members and non-class members under the All Writs Act. In addition, like the 3M Settlement Agreement, the DuPont Settlement relates to matters of profound importance to the Sovereigns in their roles as trustees of natural resources and in the exercise of their *parens patriae* authority to protect public health and the environment.

A brief pause to allow the Sovereigns to continue discussion with putative Class Counsel and The Chemours Company, The Chemours Company FC, LLC, DuPont de Nemours, Inc.,

Cottages, Village of Bridgeport, City of Benwood, Niagara County, City of Pineville, and City of Iuka (hereinafter, the “Settlement Plaintiffs”).

Corteva, Inc., and E.I. DuPont de Nemours and Company (together, “DuPont”) and adequate time to complete their review of a highly complex settlement agreement, discuss their concerns with interim Class Counsel and counsel for DuPont, and provide the Court with a well-considered and thoughtful response is in the best interests of all concerned parties.

Given the complexity of the DuPont Settlement, the concurrent conferral related to the 3M Settlement Agreement, and the voluminous filings with the Court, the Sovereigns request an additional fourteen (14) days to fully review, evaluate, and consider the DuPont Settlement. This short delay will not prejudice any parties or undermine the DuPont Settlement. Thus, the States respectfully request a fourteen (14) day extension of the deadline to respond to the Motion for Preliminary Approval of the DuPont Settlement from Monday July 24, 2023 to Monday August 7, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and a copy thereof was served via the CM/ECF system upon all counsel of record.

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